



ATTORNEYS AT LAW



Robert Greene Stame
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwall
Robert W. Esmond
Tracy-Gene G. Durkin
Michael A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. McMenig
Donald J. Featherstone
Lawrence B. Bugalsky
Michael V. Messinger
Judith U. Kim

Timothy J. Shea, Jr.
Patrick E. Garrett
Jeffrey T. Helvey
Hadi L. Kraus
Albert L. Ferro
Donald J. Banowit
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Elison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virginia Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham

Christina M. Uhler
Rae Lynn P. Guest
Georgia S. Bardmessier
Daniel A. Klein*
Jason D. Eisenberg
Michael D. Spadt
Andrea J. Kamage
Tracy L. Miller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Aric W. Ledford*
Helena C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle*
Gaby L. Longsworth
Lori A. Gordon*
Nicole D. Dietar
Ted J. Ebersole

Jyoti C. Patel*
Laura A. Vogel
Michael J. Kancuso
Bryan S. Wade
Aaron L. Schwartz
Matthew E. Kelsay*
Nicole R. Kramer*

Registered Patent Agents*
Karen R. Markowitz
Nancy J. Leith
Matthew J. Dowd
Aaron L. Schwartz
Katrina Yulan Pai Quach
Bryan L. Slatton
Robert A. Schwartzman
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford

Michelle K. Haloubek
Simon J. Elliott
Julia A. Heider
Mita Mukherjee
Scott M. Woodhouse
Michael G. Penn
Christopher J. Walsh
Peter A. Scattone

Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie

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*Admitted only in Virginia
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January 11, 2005

WRITER'S DIRECT NUMBER:
(202) 772-8675
INTERNET ADDRESS:
JHELVY@SKGP.COM

Art Unit 2667

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application
Application No. 10/694,788; Filed: October 29, 2003
For: **A Multi-Rate, Multi-Port, Gigabit Serdes Transceiver**
Inventor: Howard A. Baumer
Our Ref: 1875.3640001

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 with (1) accompanying document;
3. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
January 11, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey
Attorney for Applicant
Registration No. 44,757

JTH/agj
353487_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Howard A. Baumer

Appl. No.: 10/694,788

Filed: October 29, 2003

For: **A Multi-Rate, Multi-Port, Gigabit
Serdes Transceiver**

Confirmation No.: 6066

Art Unit: 2667

Examiner: Boakye, Alexander O.

Atty. Docket: 1875.3640001

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure

Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- 7. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted.
- 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed

_____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jeffrey T. Helvey
Attorney for Applicant
Registration No. 44,757

Date:

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 1875,3640001	APPLICATION NO. 10/694,788
		FIRST NAMED INVENTOR Howard A. Baumer	
		FILING DATE October 29, 2003	ART UNIT 2667

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA1	4,833,605	05/1989	Terada et al.			
AB1						
AC1						
AD1						
AE1						
AF1						
AG1						
AH1						
AI1						
AJ1						
AK1						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL1						Yes
AM1						No
AN1						Yes
AO1						No
AP1						Yes

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Copy of International Search Report issued December 14, 2004 for International Application No. PCT/US03/34234, 5 pages.
AS	1	
AT	1	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.